

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROBERT ROSENFELD, Derivatively On
Behalf of FUBOTV INC.,

Plaintiff,

v.

EDGAR BRONFMAN JR., HENRY AHN,
IGNACIO FIGUERAS, DANIEL LEFF,
LAURA ONOPCHENKO, DAVID
GANDLER, PÄR-JÖRGEN PÄRSON, and
SIMONE NARDI,

Defendants,

-and-

FUBOTV INC.,

Nominal Defendant.

Case No. 1:21-cv-01953 (JSR) (OTW)

**DECLARATION OF THOMAS J.
McKENNA IN SUPPORT OF JOINT
MOTION TO APPROVE (I) THE
VOLUNTARY DISMISSAL OF THE
DERIVATIVE ACTION WITH
PREJUDICE AND (II) THE
PROPOSED FORM OF NOTICE**

I, Thomas J. McKenna, declare as follows:

1. I am a member of Gainey McKenna & Egleston, counsel for Plaintiff Robert Rosenfeld in this litigation. I am fully familiar with the facts and proceedings in this action.

2. This declaration is submitted in support of the Parties' Joint Motion to approve (i) the voluntary dismissal of the above-captioned derivative action (the "Derivative Action") with prejudice and (ii) the proposed form of notice.

3. The proposed derivative notice is attached as Exhibit 1.

4. A [Proposed] Order granting the Parties' Joint Motion is attached hereto as Exhibit 2.

I declare under penalty of perjury that the foregoing is true and correct. Executed June 23, 2021, in Yonkers, New York.

By: /s/ Thomas J. McKenna
Thomas J. McKenna